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ILLINOIS

POLLUTION CONTROL BOARD

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April 3, 1986

To Whom It May Concern:

Due to an administrative oversight, the Dissenting Opinion on R82-1, Particulate Emission Limitations Rule 203(g) and 202(b) of Chapter 2, by Board Member B. Forcade, was not mailed from the February 6, 1986, Board meeting. Please find enclosed that opinion.

Respectfully,

Dorothy M. Gunn

Dorothy M. Gunn,
Clerk of the Board

DMG:bjw
Enclosure

ILLINOIS POLLUTION CONTROL
February 6, 1986

IN THE MATTER OF:) R82-1
)
PARTICULATE EMISSION LIMITATIONS)
RULE 203(g) and 202(b) OF)
CHAPTER 2)

DISSENTING OPINION (by B. Forcade):

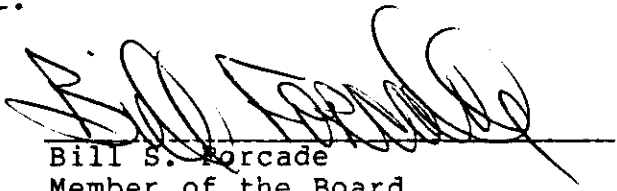
I respectfully dissent on this proceeding for two reasons:

1. The exclusion in Section 212.204 for Winnetka;
and
2. The opacity controls of Section 212.123 (a).

I believe the record supports application of the general limitations to Winnetka; furthermore, allowing site-specific exemptions to ongoing regulatory proceedings has great risk. I would not be surprised to see future general regulatory proposals degrade into a series of site-specific exemptions. This will further frustrate the Board's attempts to develop comprehensive control programs necessary to attain and maintain federal approval of our programs and avoid federal sanctions.

I also dissent from the weakened opacity standard. First, 40 CFR 51.19(c) requires an enforceable visible emissions limitation. Second, all other states in Region V of USEPA have 20% limitations which are enforceable. Third, this Board routinely adopts enforceable visible emissions limitations under the New Source Performance Standards. Lastly, while I agree the correlation between opacity and particulates is not perfect, I subscribe to the theory in Portland Cement Assn. v. Train, 7 E.R.C. 1941 (D.C., Cir., 1975) that it is a reasonably accurate standard for the administrator to adopt; it is, in my opinion, a "reasonably accurate" standard for this Board, especially since it is required under federal law.

Since today's language is certainly not an "enforceable" opacity standard, I dissent.


Bill S. Forcade
Member of the Board

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I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was submitted on the 17th, day of February, 1986.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board